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PTQ/SB/84 (07-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional "NEW") AT002
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First named inventor: HUANG, Barney K.

Application No.: 10/623,385 Art Unit: 3871

Filed: 07/21/2003 Examiner: NOVOSAD Christopher J.

Title: Air-Pruning Tray and Container Matrix Transfer and Transplanting Systems and Methods

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to the Notice of Non-Compliant Amendment Issued July 15, 2005 by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an Amendment (identify type of reply):
☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____
☐ has been paid previously on _____
☐ is enclosed herewith.

04/03/2006 TL0111 00000011 10623365
 01 FC:2453 750.00

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0851-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

/Stephen G. Sullivan/

Signature

March 31, 2006

Date

Stephen G. Sullivan

Typed or printed name

38,329

Registration Number, if applicable

P.O. Box 1329

Address

650.969.7474

Telephone Number

Mountain View, CA 94042

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Transmittal Letter, PTO-2038

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

March 31, 2006

Date

/Stephen G. Sullivan/

Signature

Stephen G. Sullivan

Typed or printed name of person signing certificate

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**RECEIVED
CENTRAL FAX CENTER****MAR 31 2006****CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the OIPE at (571) 273-8300, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 31, 2006. Signature of person certifying:

/Stephen G. Sullivan/
Stephen G. Sullivan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Barney K. Huang

Serial No: 10/623,365

Filed: July 21, 2003

For: Air-Pruning Tray and Container Matrix Transfer and Transplanting Systems
and Methods

Date: March 31, 2006

Confirmation No: 3166

Group Art Unit: 3671

Examiner: NOVOSAD, C.J.

Attention: Office of Petitions/Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT OF REASONS SUPPORTING PETITION TO REVIVE
UNINTENTIONALLY ABANDONED PATENT APPLICATION**

Sir or Madam:

The above-referenced patent application was unintentionally abandoned as the original applicant/inventor is deceased. A Notice of Abandonment was issued February 3, 2006 for failure to file a response to the Notice of Non-Compliant Amendment issued July 15, 2005. The applicant/inventor's heir, Lucas Huang, now petitions to revive the unintentionally abandoned application by payment of applicable fees and submission of the required response.

Submitted herewith is a new Revocation and Power of Attorney executed by the deceased inventor's heir, Lucas Huang, which appoints the undersigned as applicant's attorney. Applicant's attorney further submits form PTO-2038 for \$750.00 along with this petition. A response to the Non-Compliant Amendment is also submitted.

Applicant respectfully requests revival of the present application and for future correspondence to be directed to the undersigned attorney. Please note the new Docket No. as AT002, and please contact the undersigned attorney for questions related to this correspondence.

Respectfully submitted,

Date: March 31, 2006

/Stephen G. Sullivan/
Stephen G. Sullivan
Strategic Patent Group, Inc.
Reg. No. 38,329
(650) 969-7474